



State of Utah

Department of
Environmental Quality

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Executive Director

DIVISION OF RADIATION
CONTROL
Dane L. Finerfrock
Director

JON M. HUNTSMAN, JR.
Governor

GARY HERBERT
Lieutenant Governor

August 25, 2005

Tye Rogers
Vice President of Compliance and Permitting
Envirocare of Utah
605 North 5600 West
Salt Lake City, Utah 84116

Re: Radioactive Material License #UT2300249; Amendment Request to Include Acreage In Land Section 29 as an "Authorized Use" Location.

Dear Mr. Rogers:

In a letter dated May 4, 2005, Envirocare of Utah, LLC. (the Licensee), requested an amendment to their radioactive materials license, No. UT2300249. The amendment, if approved, would authorize expansion of waste management activities onto property located in Section 29, Township 1S., Range 11W., Tooele County, on about 536 acres located immediately north of the current facilities. The Licensee stated that the proposed waste management activities there will include, but are not limited to, radioactive waste storage, handling and treatment and waste disposal. The Licensee did not provide an area development plan or specific and detailed plans for any individual facility. Therefore, the amendment application was construed by the Division of Radiation Control (DRC) to be a general request as to the feasibility to use the adjacent acreage as needed.

The DRC staff reviewed the amendment request with the perspective that as each new facility is proposed for this section, the licensee will be required to submit a comprehensive and detailed amendment application in accordance with the Utah Radiation Control rules, especially R313-25 and R313-15. Since the Licensee submitted an initial application in 1987, the Licensee's field operations, facilities and radioactive waste acceptance criteria have expanded, each time only after a review and approval of a detailed amendment application. Thus, potential approval of new waste management facilities on section 29 will be a continuation of the established process at the existing site. Therefore, on July 18, 2005 the Executive Secretary of the Radiation Control Board announced a preliminary decision stating the amendment application was tentatively approved and that a 30-day public comment period was opened to accept the public views and questions regarding the amendment application and the Executive Secretary's tentative decision. On August

9, 2005, a hearing was held to accept oral statements. The Division has reviewed comments from approximately 190 individuals. No new information has been identified that changes the previous decision to approve the amendment application. Therefore, on behalf of the Radiation Control Board, the amendment application is approved contingent upon the Conditions found in the License.

Attached is Amendment # 23, to the Envirocare of Utah Radioactive Material License. Parts of several license conditions have been revised including Condition 10 that now identifies the longitude and latitude coordinates defining the approved area and a restatement of the requirements necessary to develop waste management facilities on land Section 29. Please notice that there is a contingency that states that before these new provisions go into effect, the Licensee must receive approval from the Utah Legislature and Governor. This approval is necessary under Utah Code Annotated, 19-3-105(4)(a) that requires Legislature and Governor approval if an amendment application is received that "specifies a different geographic site than a previously submitted application."

If you have questions regarding this letter, please contact me. As soon as possible, please provide your plan and timeline for addressing the requirements for receiving the Legislature and Governor's approval.

Sincerely,

Utah Radiation Control Board

Dane L. Finerfrock, Executive Secretary